

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SMITHKLINE BEECHAM CORPORATION	)	
d/b/a GLAXOSMITHKLINE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 08-112 (SLR)
	)	
BARR PHARMACEUTICALS, INC. and	)	
BARR LABORATORIES, INC.,	)	
	)	
Defendants.	)	

**STIPULATION AND ORDER OF DISMISSAL OF COMPLAINT  
AGAINST BARR PHARMACEUTICALS, INC.**

Plaintiff SmithKline Beecham Corp. d/b/a GlaxoSmithKline (“GSK”) and Defendants Barr Laboratories, Inc. (“Barr Labs”) and Barr Pharmaceuticals, Inc. (“Barr Pharmaceuticals”) hereby stipulate to dismiss the Complaint as filed by GSK against Defendant Barr Pharmaceuticals. The action will continue against Defendant Barr Labs. It is further stipulated that this dismissal is without prejudice and subject to the following conditions:

1. Barr Pharmaceuticals agrees to be bound by the Judgment and any Orders or decisions in the above-captioned action regarding the infringement, validity and/or enforceability of U.S. Patent Nos. 5,565,467, 5,846,976 and 5,998,427 (“the Patents-in-Suit”) and any Order in the above-captioned action granting preliminary or permanent injunctive relief against Barr Labs. Barr Pharmaceuticals stipulates to be bound, in any subsequent action or proceeding involving the Patents-in-Suit between GSK and Barr Labs or Barr Pharmaceuticals, by the Judgment and any Orders or decisions made in the above-captioned action to the same extent Barr Labs would be bound as a party to the above-captioned action.

2. Barr Pharmaceuticals agrees to provide documents, witnesses and information in its possession, custody or control for the purposes of the above-captioned action

to the same extent Barr Pharmaceuticals would be required to do if it were to remain a party to this action.

3. The motion to dismiss the Complaint filed by Barr Pharmaceuticals on March 17, 2008 is hereby withdrawn.

4. The caption shall be amended to read: *SmithKline Beecham Corporation d/b/a GlaxoSmithKline v. Barr Laboratories, Inc.*, C. A. No. 08-112 (SLR).

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Jack B. Blumenfeld*

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*/s/ John C. Phillips, Jr.*

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SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2008

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United States District Court Judge